UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 December 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 December 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>8/02, 6/02, 3/01</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because "EPG Data Server 5" (Specification; pg.11, line 8)

should read "EPG Data Server 6." Corrected drawing sheets in compliance with 37 CFR

1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any

amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number

of an amended drawing should not be labeled as "amended." If a drawing figure is to be

canceled, the appropriate figure must be removed from the replacement sheet, and where

necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets

may be necessary to show the renumbering of the remaining figures. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Dependent claim 29 fails to identify the claim from which it depends, however,

for the purpose of an art rejection, the examiner will interpret the claim to depend on claim 1.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-4, 6-7, 10, 15-16, 19, and 30-32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Shoff et al. (US 6,240,555 B1).

As to claim 1, note the Shoff et al. reference that discloses and interactive entertainment

system for presenting supplemental interactive content together with continuous video programs.

The claimed "providing programming to a communications network" is met by "[s]ystem 20

includes a centralized headend 22 which is configured to provide continuous video content

programs to multiple subscribers" (Shoff 4:16-18) wherein "[o]ne implementation is a multi-tier

network which includes a high-speed, high-bandwidth fiber optic cable network between the

headend and regional distribution nodes (not shown), and conventional home entry lines, such as

twisted-pair lines or coaxial cable, between the distribution nodes and viewer computing units"

(Shoff 4:45-51). The claimed "communicating a data tag with the programming" is met by "data

structure 48 which is used by the EPG database 46 to organize programming information and to

correlate target specifications with the programs" (Shoff 5:61-63), "data structure 48 includes a

data field 58 [data tag] for holding target specifications which reference target resources

supporting the supplemental content" (Shoff 6:7-9), wherein "EPG server 44 is provided at

headend 22 to serve the programming information needed by the EPG at the viewer computing

unit 24" (Shoff 5:6-8), such serving of data conducted through communication network between

headend and user devices. The claimed wherein the data tag comprises control information

relating to the programming" is met by the Shoff et al. data tag with reference target resources as

discussed above.

As to claim 2, please see rejection of claim 1.

As to claim 3, the claimed "wherein the data tag comprises a command to obtain real-

time data from the internet that is synchronized to the programming" is met by reference target

specifications in the form of hyperlinks, URLs, or any other designation for referencing a

location containing supplemental content (Shoff 6:49-56) wherein supplemental content is stored

digitally in database 54 and can be video or other multimedia types (Shoff 5:12-23) wherein the

real-time data is synchronized to the presentation (Shoff 10:7-17).

As to claim 4, the claimed "wherein the data tag comprises a uniform resource locator" is

met by reference target specifications in the form of hyperlinks, URLs, or any other designation

for referencing a location containing supplemental content (Shoff 6:49-56). The claimed "link to

a website that contains related information to the programming" is met by URLs referencing a

location containing supplemental content (Shoff 6:49-56) wherein supplemental content include

information related to the program (Shoff 5:12-22).

As to claim 6, the claimed "wherein the data tag is a command to retrieve data from

memory of an external device" is met by reference target specifications in the form of

hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56) wherein supplemental content is stored digitally in database 54 and can be video or other multimedia types (Shoff 5:12-23).

As to claim 7, the claimed "wherein the data tag is a command to retrieve data from the internet" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56). The claimed "link to a website that contains related information to the programming" is met by URLs referencing a location containing supplemental content (Shoff 6:49-56) wherein URLs provide data from the internet (Shoff 6:29-48).

As to claim 10, note the Shoff et al. reference that discloses and interactive entertainment system for presenting supplemental interactive content together with continuous video programs. The claimed "communicating electronic program guide data via a communications network" is met by "[t]he data records stored at the headend on the EG server are transmitted periodically in batch, or individually, and cached at the local EPG" (Shoff 7:1-8) wherein "[s]ystem 20 includes a centralized headend 22 which is configured to provide continuous video content programs to multiple subscribers" (Shoff 4:16-18) and "[o]ne implementation is a multi-tier network which includes a high-speed, high-bandwidth fiber optic cable network between the headend and regional distribution nodes (not shown), and conventional home entry lines, such as twisted-pair lines or coaxial cable, between the distribution nodes and viewer computing units" (Shoff 4:45-51). The claimed "communicating a data tag that has been added to the electronic program guide data" is met by "data structure 48 which is used by the EPG database 46 to organize programming information and to correlate target specifications with the programs" (Shoff 5:61-

63), "data structure 48 includes a data field 58 [data tag] for holding target specifications which reference target resources supporting the supplemental content" (Shoff 6:7-9), wherein "EPG server 44 is provided at headend 22 to serve the programming information needed by the EPG at the viewer computing unit 24" (Shoff 5:6-8), such serving of data conducted through communication network between headend and user devices. The claimed wherein the data tag comprises a command and a parameter is met by the Shoff et al. data tag with reference target resources as discussed above.

As to claim 15, the claimed "wherein communicating the data tag comprises sending a uniform resource locator" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56).

As to claim 16, note the Shoff et al. reference that discloses and interactive entertainment system for presenting supplemental interactive content together with continuous video programs. The claimed "receiving electronic program guide data" is met by "[t]he data records stored at the headend on the EG server are transmitted periodically in batch, or individually, and cached at the local EPG" (Shoff 7:1-8) wherein "[s]ystem 20 includes a centralized headend 22 which is configured to provide continuous video content programs to multiple subscribers" (Shoff 4:16-18) and "[o]ne implementation is a multi-tier network which includes a high-speed, high-bandwidth fiber optic cable network between the headend and regional distribution nodes (not shown), and conventional home entry lines, such as twisted-pair lines or coaxial cable, between the distribution nodes and viewer computing units" (Shoff 4:45-51). The claimed "processing a data tag that has been added to the electronic program guide data" is met by "data structure 48

which is used by the EPG database 46 to organize programming information and to correlate

target specifications with the programs" (Shoff 5:61-63), "data structure 48 includes a data field

58 [data tag] for holding target specifications which reference target resources supporting the

supplemental content" (Shoff 6:7-9), and "EPG server 44 is provided at headend 22 to serve the

programming information needed by the EPG at the viewer computing unit 24" (Shoff 5:6-8),

such serving of data conducted through communication network between headend and user

devices wherein data is processed to display supplemental content with the program (Shoff 6:8-

28). The claimed "the data tag comprising a command and a parameter" is met by the Shoff et

al. data tag with reference target resources as discussed above.

As to claim 19, the claimed "wherein processing the data tag comprises retrieving data

from the internet" is met by reference target specifications in the form of hyperlinks, URLs, or

any other designation for referencing a location containing supplemental content (Shoff 6:49-56).

The claimed "link to a website that contains related information to the programming" is met by

URLs referencing a location containing supplemental content (Shoff 6:49-56) wherein URLs

provide data from the internet (Shoff 6:29-48).

As to claim 30, note the Shoff et al. reference that discloses and interactive entertainment

system for presenting supplemental interactive content together with continuous video programs.

The claimed "providing programming to a communications network" is met by "[s]ystem 20

includes a centralized headend 22 which is configured to provide continuous video content

programs to multiple subscribers" (Shoff 4:16-18) wherein "[o]ne implementation is a multi-tier

network which includes a high-speed, high-bandwidth fiber optic cable network between the

headend and regional distribution nodes (not shown), and conventional home entry lines, such as

twisted-pair lines or coaxial cable, between the distribution nodes and viewer computing units"

(Shoff 4:45-51). The claimed "communicating a data tag with the programming" is met by "data

structure 48 which is used by the EPG database 46 to organize programming information and to

correlate target specifications with the programs" (Shoff 5:61-63), "data structure 48 includes a

data field 58 [data tag] for holding target specifications which reference target resources

supporting the supplemental content" (Shoff 6:7-9), wherein "EPG server 44 is provided at

headend 22 to serve the programming information needed by the EPG at the viewer computing

unit 24" (Shoff 5:6-8), such serving of data conducted through communication network between

headend and user devices. The claimed "the data tag comprising control information relating to

the programming" is met by the Shoff et al. data tag with reference target resources as discussed

above.

As to claim 31, please see rejection of claim 30.

As to claim 32, please see rejection of claim 30

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US

6,240,555 B1) in further view of Ward, III et al. (US 2002/0073424 A1).

As to claim 5, the claimed "wherein the data tag obtains supplemental electronic program guide data from the internet for the programming." Note the Shoff et al. reference discloses providing supplemental information to a user via the Internet through data tags (Shoff columns 5-6). However, the Shoff et al. reference is silent as to obtaining supplemental electronic program guide data from the internet for the programming. Now note the Ward, III et al. reference that discloses a system and method for modifying advertisement responsive to EPG information. The claimed "data tag obtains supplemental electronic program guide data from the internet for the programming" is met by "[t]he EPG displays detailed information relevant to program listings in the detailed information area of the Grid Guide. The detailed information can include, among other things, a detailed textual description of the program, information about the actors and actresses, information about the production of the program…[to] access to detailed program-related information, the EPG connects the viewer with an external database of information, such as with a particular web site on the Internet" (Ward, III [0202-0203]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. EPG guide with the Ward, III access of additional information through the Internet for the purpose of providing users additional information regarding programming without requiring a user device to store all such information in memory, thus conserving user device memory.

8.   Claims 8-9, 12-14, 18, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1) in further view of Iki et al. (US 6,008,802).

As to claim 8, the claimed "wherein the data tag is a command for environmental control of audio equipment." Note the Shoff et al. reference discloses a data field 58 for holding target

specifications which reference target resources supporting the supplemental content (Shoff 6:7-

9). However, the Shoff et al. reference is silent as to a data field for environmental control of

audio equipment. Now note the Iki et al. reference that discloses a method and apparatus for

automatically performing a function based on the reception of information corresponding to

broadcast data. The claimed "command for environmental control of audio equipment" is met

by "system controller 104 analyzes programming content and configures system 100 to take full

advantage of the programming. For example, if a television show is being broadcast in surround

sound, system controller 104 determines that the program is offered in surround sound and

configures system 100 to display the television show in surround sound" (Iki 4:18-25) wherein

system 100 includes speaker system (audio equipment) as illustrated in Figure 1. Therefore, the

examiner submits that it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the Shoff et al. data set with the Iki et al. environmental

control information for the purpose of automatically configuring a system to take full advantage

of the programming (Iki 4:18-25).

As to claim 9, please see rejection of claim 8 wherein the Shoff et al. and Iki et al.

combination teaches configuring audio equipment.

As to claim 12, the claimed "wherein communicating the data tag comprises sending

control information to a consumer electronics device." Note the Shoff et al. reference discloses a

data field 58 for holding target specifications which reference target resources supporting the

supplemental content (Shoff 6:7-9). However, the Shoff et al. reference is silent as to a data field

for environmental control of audio equipment. Now note the Iki et al. reference that discloses a

method and apparatus for automatically performing a function based on the reception of

information corresponding to broadcast data. The claimed "communicating the data tag

comprises sending control information to a consumer electronics device" is met by "system

controller 104 analyzes programming content and configures system 100 to take full advantage

of the programming. For example, if a television show is being broadcast in surround sound,

system controller 104 determines that the program is offered in surround sound and configures

system 100 to display the television show in surround sound" (Iki 4:18-25) wherein system 100

includes speaker system (audio equipment) as illustrated in Figure 1. Therefore, the examiner

submits that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Shoff et al. data set with the Iki et al. environmental control

information for the purpose of automatically configuring a system to take full advantage of the

programming (Iki 4:18-25).

As to claim 13, please see rejection of claim 12 wherein the Shoff et al. and Iki et al.

combination teaches configuring audio equipment.

As to claim 14, the claimed "wherein communicating the data tag comprises sending

control information to configure lighting." Note the Shoff et al. reference discloses a data field

58 for holding target specifications which reference target resources supporting the supplemental

content (Shoff 6:7-9) to enhance viewing. However, the Shoff et al. reference is silent as to a

data field for control of lighting. Now note the Iki et al. reference that discloses a method and

apparatus for automatically performing a function based on the reception of information

corresponding to broadcast data. The claimed "control information to configure lighting" is met

by "system controller 104 analyzes programming content and configures system 100 to take full

advantage of the programming" (Iki 4:18-25) wherein "[i]n one embodiment, for example, as

system controller 104 configures system 100 to display a movie, it may also dim the lights in the room to a predetermined level to further enhance the viewing environment" (Iki 4:10-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. lighting control information for the purpose of further enhancing the viewing environment (Iki 4:10-13).

As to claim 18, the claimed "further comprising communicating the data tag to an external device." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9). However, the Shoff et al. reference is silent as to a data field for environmental control of audio equipment. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "further comprising communicating the data tag to an external device" is met by "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming. For example, if a television show is being broadcast in surround sound, system controller 104 determines that the program is offered in surround sound and configures system 100 to display the television show in surround sound" (Iki 4:18-25) wherein system 100 includes speaker system (audio equipment) as illustrated in Figure 1. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. environmental control information for the purpose of automatically configuring a system to take full advantage of the programming (Iki 4:18-25).

As to claim 24, the claimed "wherein processing the data tag comprises processing an instruction to configure audio equipment." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9). However, the Shoff et al. reference is silent as to a data field for configuring audio equipment. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "instruction to configure audio equipment" is met by "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming. For example, if a television show is being broadcast in surround sound, system controller 104 determines that the program is offered in surround sound and configures system 100 to display the television show in surround sound" (Iki 4:18-25) wherein system 100 includes speaker system (audio equipment) as illustrated in Figure 1. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. environmental control information for the purpose of automatically configuring a system to take full advantage of the programming (Iki 4:18-25).

As to claim 25, the claimed "wherein processing the data tag comprises processing an instruction to configure lighting." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9) to enhance viewing. However, the Shoff et al. reference is silent as to a data field for control of lighting. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information

corresponding to broadcast data. The claimed "instruction to configure lighting" is met by

"system controller 104 analyzes programming content and configures system 100 to take full

advantage of the programming" (Iki 4:18-25) wherein "[i]n one embodiment, for example, as

system controller 104 configures system 100 to display a movie, it may also dim the lights in the

room to a predetermined level to further enhance the viewing environment" (Iki 4:10-13).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the Shoff et al. data set with the Iki et al.

lighting control information for the purpose of further enhancing the viewing environment (Iki

4:10-13).

9.   Claims 11, 17, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shoff et al. (US 6,240,555 B1) in further view of Wu et al. (US 6,326,982 B1).

        As to claim 11, the claimed "wherein communicating the data tag comprises

communicating a start offset and a duration to activate the data tag." Note the Shoff et al.

reference discloses EPG data including a data tag (Shoff 6:7-28) wherein supplemental data, as

identified by data tag, is synchronized to the program according to timing information (Shoff

10:50-52). However, the Shoff et al. reference is silent as to the data tag comprising a start offset

and a duration to activate the data tag. Now note the Wu et al. reference that discloses a method

and apparatus for automatically accessing web pages based on television programming

information. The claimed data tag including start off set and duration is met by "programming

schedule mapping information including: a plurality of programming schedule segments each

being associated with a corresponding portion of video data to be received by the client system

12 from the video data provider 16 via a corresponding on of the video channels during a

corresponding time frame; and a plurality of Web addresses associated with corresponding ones

of the schedule segments, each of the Web addresses indicating a corresponding one of a

plurality of Web sites 36 each having a server operative to provide a Web page associated with a

corresponding one of the program schedule segments" (Wu 4:21-31). Therefore, the examiner

submits that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Shoff et al. supplemental content display with the Wu et al.

timing information for the purpose of providing the display of supplemental content during

relevant times of a program segment.

As to claim 17, the claimed "wherein processing the data tag comprises processing a start

offset and a duration that activates the data tag." Note the Shoff et al. reference discloses EPG

data including a data tag (Shoff 6:7-28) wherein supplemental data, as identified by data tag, is

synchronized to the program according to timing information (Shoff 10:50-52). However, the

Shoff et al. reference is silent as to the data tag comprising a start offset and a duration to activate

the data tag. Now note the Wu et al. reference that discloses a method and apparatus for

automatically accessing web pages based on television programming information. The claimed

data tag including start off set and duration is met by "programming schedule mapping

information including: a plurality of programming schedule segments each being associated with

a corresponding portion of video data to be received by the client system 12 from the video data

provider 16 via a corresponding on of the video channels during a corresponding time frame; and

a plurality of Web addresses associated with corresponding ones of the schedule segments, each

of the Web addresses indicating a corresponding one of a plurality of Web sites 36 each having a

server operative to provide a Web page associated with a corresponding one of the program

schedule segments" (Wu 4:21-31). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. supplemental content display with the Wu et al. timing information for the purpose of providing the display of supplemental content during relevant times of a program segment.

As to claim 33, the claimed "wherein communicating the data tag comprises communicating the data tag added to electronic program guide data, the data tag comprising a command [and] a parameter" is met by that discussed in the rejection of claim 30. Furthermore, note the Shoff et al. reference discloses EPG data including a data tag (Shoff 6:7-28) wherein supplemental data, as identified by data tag, is synchronized to the program according to timing information (Shoff 10:50-52). However, the Shoff et al. reference is silent as to the data tag comprising a start offset and a duration to activate the data tag. Now note the Wu et al. reference that discloses a method and apparatus for automatically accessing web pages based on television programming information. The claimed data tag including start off set and duration is met by "programming schedule mapping information including: a plurality of programming schedule segments each being associated with a corresponding portion of video data to be received by the client system 12 from the video data provider 16 via a corresponding on of the video channels during a corresponding time frame; and a plurality of Web addresses associated with corresponding ones of the schedule segments, each of the Web addresses indicating a corresponding one of a plurality of Web sites 36 each having a server operative to provide a Web page associated with a corresponding one of the program schedule segments" (Wu 4:21-31). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. supplemental content display

data tag with the Wu et al. timing information for the purpose of providing the display of

supplemental content during relevant times of a program segment.

10.   Claims 20-23 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shoff et al. (US 6,240,555 B1) in further view of Iggulden (US 6,597,405 B1).

As to claim 20, the claimed "wherein the processing the data tag comprises retrieving

data from memory" is met by "[t]he same or a subset of data structure 48 is employed at the EPG

application running at the viewer computing unit in the home. The data records stored at the

headend on the EPG server are transmitted periodically in batch, or individually, and cached at

the local EPG. The local EPG is thus able to identify whether a particular program is interactive

compatible by quick reference to the locally cached EPG data structure" (Shoff 7:1-8).

However, the Shoff et al. reference is silent as to "in which modifying the presentation further

comprises modifying the volume of the program based upon the at least one data tag." Now note

the Iggulden reference that discloses a method and apparatus for automatically identifying and

selectively altering segments of a television broadcast signal in real-time. The claimed

modifying the volume of the program" is met by "[a]lthough described with reference to an

exemplary system which operates to mute a television signal during commercial advertisements,

almost any other desired action may alternatively be triggered...the system may change the

reception channel upon detection of a commercial advertisements then return to the same

channel upon completion of the advertisement or group of advertisements" (Iggulden 25:9-20).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the Shoff et al. data tag for supplementing

television programming with the Iggulden muting or channel changing during commercial

advertisements for the purpose of fulfilling the desire of many television viewers to have a

system to help avoid viewing unwanted commercials (Iggulden 1:17-28).

As to claim 21-23, please see rejection of claim 20.

As to claim 28, note the Shoff et al. reference discloses "[t]he same or a subset of data

structure 48 is employed at the EPG application running at the viewer computing unit in the

home. The data records stored at the headend on the EPG server are transmitted periodically in

batch, or individually, and cached at the local EPG. The local EPG is thus able to identify

whether a particular program is interactive compatible by quick reference to the locally cached

EPG data structure" (Shoff 7:1-8). However, the Shoff et al. reference is silent as to "wherein

the data tag mutes commercial programming" Now note the Iggulden reference that discloses a

method and apparatus for automatically identifying and selectively altering segments of a

television broadcast signal in real-time. The claimed muting commercial programming is met by

"[a]lthough described with reference to an exemplary system which operates to mute a television

signal during commercial advertisements, almost any other desired action may alternatively be

triggered...the system may change the reception channel upon detection of a commercial

advertisements then return to the same channel upon completion of the advertisement or group of

advertisements" (Iggulden 25:9-20). Therefore, the examiner submits that it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff

et al. data tag for supplementing television programming with the Iggulden muting or channel

changing during commercial advertisements for the purpose of fulfilling the desire of many

television viewers to have a system to help avoid viewing unwanted commercials (Iggulden

1:17-28).

As to claim 29, please see the rejection of claim 28 wherein commercials are censored.

11.   Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al.

(US 6,240,555 B1).

As to claims 26-27, the claimed "wherein processing the data tag comprises processing

an instruction to configure a motion simulator" and "wherein processing the data tag comprises

processing an instruction to configure an aroma generator to generate aromas." Note the Shoff et

al. reference discloses a data field 58 for holding target specifications which reference target

resources supporting the supplemental content (Shoff 6:7-9). However, the Shoff et al. reference

does not specifically disclose the use of a motion simulator or aroma generator for

supplementing programming. Nevertheless, the examiner gives Official Notice that it is

notoriously well known in the art to use motion simulators and/or aroma generators for the

purpose of enhancing user viewing by providing more realistic presentations. Therefore, the

examiner submits that it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the Shoff et al. data tag accordingly for the above stated

advantages.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

The Blackketter et al. reference (US 2002/0056129 A1) discloses a trigger having a time

attribute.

The Walker et al. reference (US 6,263,505 B1) discloses a system and method for supplying supplemental information for video programs.

The Zigmond et al. reference (US 6,571,392 B1) discloses receiving an information resource from the internet if it is not received from a broadcast channel.

The Goldschmidt Iki et al. reference (US 6,601,103 B1) discloses a method and apparatus for providing personalized supplemental programming.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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jm

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